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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Debbie Morgan
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: November 25, 2019

RE: Filed Permanent Regulations: Department of Commerce Community and Economic Development

Department of Commerce, Community, and Economic Development Regulation re:
Occupational Licensing - Dispensing Optician Licensing (12 AAC 30.070 - .990)

| | |
|------------------------|-------------------|
| Attorney General File: | 2019200711 |
| Regulation Filed: | 11/25/2019 |
| Effective Date: | 12/25/2019 |
| Print: | 232, January 2020 |

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF COMMERCE,
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached eleven pages of regulations, dealing with license and registration requirements, continuing competency requirements, and repeal of outdated regulations, for dispensing opticians and apprentices, regulated by the Department of Commerce, Community, and Economic Development, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community and Economic Development adopts under the authority of AS 08.01.100, AS 08.71.055, AS 08.71.080, AS 08.71.090, AS 08.71.110, AS 08.71.130, AS 08.71.145, AS 08.71.160, AS 08.71.163, and AS 08.71.165, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE:

17 Oct 19
Juneau, Alaska


Sara Chambers, Director
Division of Corporations, Business and
Professional Licensing

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 25, 2019 at 2:57 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


for Kevin Meyer, Lieutenant Governor

Effective: December 25, 2019.

Register: 232. January 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 30 heading is changed to read:

Chapter 30. [BOARD OF] Dispensing Opticians

12 AAC 30.070 is repealed and readopted to read:

12 AAC 30.070. License by examination. (a) An applicant for a license by examination shall submit

- (1) a completed application on a form provided by the department;
- (2) the application and license fees established in 12 AAC 02.200;
- (3) documentation of the ~~required~~ training or work experience required by

AS 08.71.110 by providing

(A) verification of training as described by AS 08.71.110(a)(2)(A) and 12 AAC 30.120, on a form provided by the department, sent directly from the licensed physician, optometrist, or dispensing optician who supervised the applicant; or

(B) verification of work experience described by AS 08.71.110(a)(2)(B), on a form provided by the department, ~~sent directly from the licensed physician, optometrist, or dispensing optician who supervised the applicant;~~

(4) verification of passing the applicable examination under AS 08.71.090, sent directly to the department from the American Board of Opticianry or the National Contact Lens Examiners;

(5) verification that the applicant has passed the applicable course described in 12 AAC 30.075, sent directly from the National Academy of Opticianry or Contact Lens Society of America; and

(6) a complete authorization for release of records form.

(b) An applicant for a license by examination under this section may submit official transcripts, sent directly to the department from the issuing school or college of opticianry, documenting the degree requirements of AS 08.71.110(b) as a substitute for the requirements of (a)(3) and (5) of this section. (Eff. 5/22/83, Register 86; am 10/1/88, Register 107; am 5/20/93, Register 126; am 5/1/97, Register 142; am 1/5/2002, Register 161; am 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.110

The section heading of 12 AAC 30.075 is changed to read:

12 AAC 30.075. Approved [BOARD-DESIGNATED] course.

12 AAC 30.075(a)(1) is amended to read:

(1) spectacles shall submit verification of completion of the **Ophthalmic Career Progression Program (OCP)** [CAREER PROGRESSION PROGRAM (CPP)] sponsored by the National Academy of Opticianry (NAO) or another **department-approved** [BOARD- APPROVED] program that the **department** [BOARD] determines is equivalent;

12 AAC 30.075(b) is repealed:

(b) Repealed 12 / 25 / 2019. (Eff. 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.110

Editor's note: Information on the **Ophthalmic** Career Progression Program may be obtained from the National Academy of Opticianry, 8401 Corporate Drive #605, Landover, Maryland 20785; **telephone: (800) 229-4828; website** [OR] at www.nao.org. Information on the Contact Lens Manual: Volume 1, A Comprehensive Study and Reference Guide may be obtained from the Contact Lens Society of America **2025 Woodland Drive, St. Paul, Minnesota 55125-2998** [441 CARLISLE DRIVE, HERNDON, VIRGINIA 20170]; telephone: **(800) 296-9776** [(703) 437-5100]; e-mail: **clsa@clsa.info** [CLSA@PATRIOT.NET]; **website at www.clsa.info**.

12 AAC 30.100(3) is amended to read:

(3) verification of a current license to practice as a dispensing optician issued by another licensing jurisdiction that meets the requirements of AS 08.71.145; ^{acceptable} ~~the verification~~ may include documentation that demonstrates [^] ~~must show~~ the applicant passed the applicable examination under AS 08.71.090; [AND]

12 AAC 30.100(5) is amended to read:

(5) verification of **work experience or** training equivalent to that required by AS 08.71.110(a)(2); **and** [.]

12 AAC 30.100 is amended by adding a new paragraph to read:

(6) a complete authorization for release of records form. (Eff. 4/22/83, Register 86; am 8/20/87, Register 103; am 5/25/2000, Register 154; am 6/22/2003, Register 166; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.145

12 AAC 30.105(a)(3) is amended to read:

(3) verification of having passed the applicable examination described in AS 08.71.090, sent directly to the department from the organization that administered the examination; [AND]

12 AAC 30.105(a)(4) is amended to read:

(4) documentation of meeting the experience or training requirements required under AS 08.71.110(a)(2), sent directly to the department from the licensed physician, optometrist, or dispensing optician that supervised the applicant; **and** [.]

12 AAC 30.105(a) is amended by adding a new paragraph to read:

(5) verification that the applicant has passed the applicable course described in 12 AAC 30.075 if applying under 12 AAC 30.070, sent directly from the National Academy of Opticianry or the Contact Lens Society of America.

12 AAC 30.105 is amended by adding a new subsection to read:

(c) An applicant for an endorsement under (a) of this section may submit official transcripts, sent directly from the issuing school or college of opticianry to the department, documenting the degree requirements of AS 08.71.110(b) as a substitute for the requirements of (a)(4) and (5) of this section. (Eff. 2/26/2003, Register 165; am 12/25/2019, Register 232)

Authority: AS 08.71.080 AS 08.71.110 AS 08.71.145

12 AAC 30.110(a) is amended to read:

(a) To register as an apprentice, an applicant must **submit** [COMPLETE AND RETURN A REGISTRATION]

(1) a completed application on a form provided by the department; [AND SUBMIT]

(2) the applicable fees [FEE] established in **12 AAC 02.200**; [12 AAC 02.200(1). THE REGISTRATION FORM SHALL BE SIGNED BY THE APPRENTICE'S SUPERVISOR.]

(3) the supervisor's statement of responsibility that meets the requirements of 12 AAC 30.125, on a form provided by the department, sent directly to the department from the licensed dispensing optician, optometrist, or physician, supervising the apprentice; and

(4) a complete authorization for release of records form.

12 AAC 30.110(c) is amended to read:

(c) The **department** **[BOARD]** will, in its discretion, accept under AS 08.71.110(a)(2)(A), apprenticeship training hours received before registration when those hours are documented at the time of initial registration and are verified by the department, only in those cases when an applicant received training out of state before beginning an apprenticeship in **the state** [ALASKA].

12 AAC 30.110(d) is amended to read:

(d) The supervisor of an apprentice shall notify the **department** [BOARD] in writing **on a form provided by the department, not later than** [WITHIN] 30 days after the apprenticeship **training is complete or is terminated** under that supervisor [TERMINATES]. **The supervisor must state the reason for termination of the apprentice on the form.**

12 AAC 30.110(f) is repealed:

(f) Repealed 12 / 25 / 2019.

12 AAC 30.110(h)(3) is amended to read:

(3) provide regular supervision to the apprentice **as described by 12 AAC 30.125(c).**

12 AAC 30.110 is amended by adding a new subsection to read:

(i) An applicant for renewal of a registration shall submit a renewal form provided by the department and the renewal fee established in 12 AAC 02.200. The registration form shall be signed by the apprentice's supervisor. (Eff. 3/30/84, Register 89; am 10/1/88, Register 107; am 5/20/93, Register 126; am 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.160

12 AAC 30.125(b) is amended to read:

(b) The supervisor of an apprentice under this section **may** [SHALL] provide for an

alternate supervisor, as described in (a)(6) of this section, who will provide supervision to the apprentice when the supervisor is unavailable.

12 AAC 30.125 is amended by adding a new subsection to read:

(d) If the supervision of an apprentice is terminated, the supervisor shall submit to the department the termination notice required by 12 AAC 30.110(d). (Eff. 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.160 AS 08.71.163 AS 08.71.165

12 AAC 30.200(a)(5) is repealed:

(5) repealed 12 / 25 / 2019;

The introductory language of 12 AAC 30.200(b) is amended to read:

(b) If specifically approved by the department [BOARD], the following educational experiences meet the continuing competence requirements of AS 08.71.130(d) and 12 AAC 30.200 – 12 AAC 30.220:

...

(Eff. 6/23/78, Register 66; am 3/30/84, Register 89; am 4/29/91, Register 118; am 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.130

12 AAC 30.210(b) is amended to read:

(b) An applicant for renewal is responsible for maintaining adequate and detailed records

of completed continuing competence courses, seminars, or experiences and shall make them available to the **department** [BOARD] upon request **in accordance with 12 AAC 02.960.**

12 AAC 30.210(c) is amended to read:

(c) Falsification of any written evidence submitted to the **department** [BOARD] under this section is grounds for license revocation or suspension under AS 08.71.170.

12 AAC 30.210 is amended by adding a new subsection to read:

(d) ^ALicensees must obtain a certificate from a continuing competence provider described in 12 AAC 30.200, as verification of that licensee's completion of all required elements of a course of study. The certificate must meet the requirements of 12 AAC 02.960(e), and provide the aspect of opticianry for which the activity pertains. If the activity pertains to more than one aspect of opticianry, the certificate must provide for how the time in class was divided, to the nearest quarter hour. (Eff. 6/23/78, Register 66; am 3/30/84, Register 89; am 4/29/91, Register 118; am 11/7/98, Register 148; am 5/25/2000, Register 154; am 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.130

12 AAC 30.220(a) is amended to read:

(a) An applicant for renewal of a dispensing optician license shall complete at least 10 hours of continuing competence acceptable to the **department** [BOARD] under this chapter during the concluding licensing period **for each aspect of dispensing opticianry in which the applicant is licensed.**

12 AAC 30.220(c) is repealed:

(c) Repealed 12 / 25 / 2019.

12 AAC 30.220(f) is amended to read:

(f) A dispensing optician who is applying for a license renewal for the first time shall certify having completed at least five contact hours of continuing education **for each aspect of dispensing opticianry in which the applicant is licensed**, for each complete calendar year that the applicant was licensed during the concluding licensing period. (Eff. 6/23/78, Register 66; am 4/22/83, Register 86; am 4/29/91, Register 118; am 2/26/2003, Register 165; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.080 AS 08.71.130

The introductory language of 12 AAC 30.900 is amended to read:

12 AAC 30.900. Verifications. Verification of current licensure, examinations or training of an applicant as required in **12 AAC 30.070 – 12 AAC 30.125** [12 AAC 30.010 – 12 AAC 30.120], shall be certified or notarized documentation supplied to the **department** [BOARD] by

...

(Eff. 4/22/83, Register 86; am 5/25/2000, Register 154; am 12 / 25 / 2019, Register 232)

Authority: AS 08.71.055 AS 08.71.130 AS 08.71.145
AS 08.71.110

12 AAC 30 is amended by adding a new section to Article 4 to read:

12 AAC 30.905. License renewal and reinstatement. (a) An applicant for renewal of a dispensing optician license shall submit

- (1) a completed renewal application;
- (2) the license renewal fee established in 12 AAC 30.200; and
- (3) documentation that the applicant has met the continuing competence

requirements of 12 AAC 30.200 -- 12 AAC 30.220 during the concluding license period.

(b) The department will reinstate a dispensing optician license that has lapsed at least 60 days but less than five years if the applicant submits

- (1) a completed renewal application;
- (2) the license renewal fee established in 12 AAC 30.200; and
- (3) evidence of completion of the continuing competence requirements of

12 AAC 30.200 – 12 AAC 30.210 that would have been required to maintain a current license for the entire period the license has been lapsed. (Eff. 12 / 25 / 2019, Register 232)

Authority: AS 08.01.100 AS 08.71.055 AS 08.71.130

12 AAC 30.990(a)(2) is repealed:

- (2) repealed 12 / 25 / 2019;

12 AAC 30.990(a)(7) is amended to read:

(7) “division” means the division **of corporations, business and professional licensing** [ASSIGNED OCCUPATIONAL LICENSING FUNCTIONS] in the department;

Register 232, January 2020 PROFESSIONAL REGULATIONS

(Eff. 4/22/83, Register 86; am 5/1/97 [5/25/2000], Register 142 [154]; am 5/25/2000 [5/1/97],

Register 154 [142]; am 1/5/2002, Register 161; am 2/26/2003, Register 165; am

12 / 25 / 2019, Register 232)

| | | | |
|-------------------|--------------|----------------|--------------|
| Authority: | AS 08.71.055 | [AS 08.71.100] | AS 08.71.130 |
| | AS 08.71.090 | AS 08.71.110 | AS 08.71.145 |